

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

MERRILL LYNCH INTERNATIONAL,

Defendant.

Adv. Proc. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05346 (BRL)

**STIPULATION EXTENDING TIME TO RESPOND  
AND ADJOURNING THE PRE-TRIAL CONFERENCE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§78aaa *et seq.*, and the estate of Bernard L. Madoff, individually, by and through his counsel, Baker & Hostetler LLP, and defendant Merrill Lynch International (incorrectly named in earlier pleadings as Merrill Lynch International & Co. C.V.) (“MLP”), by and through its counsel, Arnold & Porter LLP, hereby stipulate and agree as follows:

Whereas on December 8, 2010, the Trustee filed the above-captioned action against MLI in this Bankruptcy Court, asserting numerous bankruptcy law claims (the “Complaint”);

Whereas the Trustee and MLI previously have entered into stipulations recognizing MLI’s waiver of service of the Summons and Complaint in this action, setting a date for MLI to answer the Trustee’s Complaint, and setting a briefing schedule should MLI move to dismiss the Trustee’s Complaint in lieu of an answer;

Whereas except as expressly set forth herein, the parties to this stipulation reserve all rights and defenses the Trustee and MLI may have, and entry into this stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction;

IT IS HEREBY STIPULATED AND AGREED by and between the Trustee and MLI, by the endorsement of their counsel below, that:

1. MLI shall file and serve an answer, motion or other response to the Complaint in this action no later than January 17, 2014;
2. The Trustee’s response to any motion or other response filed and served by MLI with respect to the Complaint shall be filed and served no later than March 17, 2014;
3. MLI’s reply to any response by the Trustee referenced in paragraph 2 above shall be filed and served no later than April 17, 2014; and
4. The Pre-Trial Conference shall be adjourned from February 26, 2014, at 10:00 a.m., to May 28, 2014, at 10:00 a.m.

This stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one

and the same instrument. A signed facsimile or electronic copy of this stipulation shall be deemed an original. This stipulation is entered into pursuant to the Order Granting Supplemental Authority to Stipulate to Extensions of Time to Respond and Adjourn Pre-Trial Conferences (Adv. Pro. No. 08-01789 (BRL), Dkt. No. 5358).

Dated: November 13, 2013  
New York, New York

/s/ Thomas L. Long  
BAKER & HOSTETLER LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Thomas L. Long  
Email: tlong@bakerlaw.com  
Regina L. Griffin  
Email: rgriffin@bakerlaw.com

*Attorneys for Trustee Irving H. Picard, Esq.,  
Trustee for the SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L.  
Madoff*

/s/ Mary E. Sylvester  
ARNOLD & PORTER LLP  
399 Park Avenue  
New York, New York 10022  
Telephone: (212) 715-1000  
Facsimile: (212) 715-1399  
Pamela A. Miller  
Email: Pamela.Miller@aporter.com  
Kent A. Yalowitz  
Email: Kent.Yalowitz@aporter.com  
Mary E. Sylvester  
Email: Mary.Sylvester@aporter.com

*Attorneys for Defendant Merrill Lynch  
International*